

HOUSE No. 2261

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to prohibit the use of polystyrene foam food containers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/19/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/19/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/7/2023</i>

HOUSE No. 2261

By Representative Rogers of Cambridge, a petition (accompanied by bill, House, No. 2261) of David M. Rogers, Lindsay N. Sabadosa and Michelle M. DuBois for legislation to prohibit the use of polystyrene foam food containers. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2391 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to prohibit the use of polystyrene foam food containers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws are hereby amended by inserting after
2 Section 5S:

3 Section 5T.

4 **EXTRUDED OR EXPANDED POLYSTYRENE FOAM FOOD CONTAINERS**

5 Section 1. Definitions. As used in this section, the following terms have the following
6 meanings, unless the context clearly indicates otherwise:

7 A. "Compostable," with regard to a material, means that the material will undergo
8 degradation by biological processes during composting to yield carbon dioxide, water, inorganic
9 compounds and biomass at a rate consistent with other materials that undergo degradation by

10 biological processes and leave no visible, distinguishable or toxic residue, including no adverse
11 impact on the ability of compost to support plant growth once the compost is placed in soil;

12 B. "Disposable food container" means a container, bowl, plate, tray, carton, cup, lid
13 or other item designed for one-time use for prepared foods. "Disposable food container" includes
14 foodware for take-out foods and leftovers from partially consumed meals prepared by food
15 vendors;

16 C. "Polystyrene" means and includes expanded polystyrene which is a thermoplastic
17 petrochemical material utilizing a styrene monomer and processed by any number of techniques
18 including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection
19 molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term
20 "polystyrene" also includes clear or solid polystyrene, which is known as "oriented polystyrene";

21 D. "Polystyrene foam" means blown polystyrene and expanded and extruded foams
22 using polystyrene;

23 E. "Recyclable," with regard to a material, means that a material that would
24 otherwise be disposed of or processed as waste can be recovered, separated, collected and
25 reprocessed for the purpose of using the reprocessed material in the manufacture of a new
26 product.

27 Section 2. Prohibition on polystyrene foam food ware. After January 1, 2024, no person
28 may sell or provide in this State any food ware product composed in whole or in part of extruded
29 or expanded polystyrene foam:

30 A. No Store or Food Distributor shall serve or sell prepared food or beverage in EPS
31 foam containers and shall not package meat, eggs, bakery products, or other food in EPS foam
32 containers.

33 B. No Store, Food Distributor, or Food Packager shall package meat, eggs, bakery
34 products, or other food in EPS foam containers.

35 C. No Store that sells tangible personal property at retail shall sell EPS foam food or
36 beverage containers.

37 D. The State shall not use EPS foam food or beverage containers at any State facility
38 or State sponsored event.

39 E. No State department or facility shall purchase or acquire EPS foam food or
40 beverage containers.

41 F. All parties who contract with the State shall be prohibited from using EPS foam
42 food and beverage containers in State facilities or on State-funded projects within the State.

43 Section 3. Compliance. Compliance with this section shall be as follows.

44 A. All distributors engaged in the sale or distribution in the State of products covered
45 under subsection 1 shall certify to the commissioner their compliance with subsection 1.

46 Section 4. Enforcement.